ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. DANIEL SMITH
Director

NORTH CAROLINA
Environmental Quality

October 18, 2019

LETTER OF DISAPPROVAL

CERTIFIED MAIL: 7015 0640 0005 8164 7482
RETURN RECEIPT REQUESTED

Mountain Valley Pipeline, LLC
Attention: Robert J. Cooper, Senior VP, Construction Services
2200 Energy Drive
Canonsburg, PA 15317

RE: Project Name: Southgate Project
Project ID: ROCKI-2020-006
County: Rockingham
City: Eden and various
Address: Various
River Basin: Roanoke
Stream Classification: C, Other
Submitted By: Mountain Valley Pipeline, LLC
Date Received by LQS: September 19, 2019
Plan Type: New

Dear Mr. Cooper,

The erosion and sedimentation control plan submitted for the subject project has been reviewed and is disapproved for the reasons listed on the attached sheet.

You may submit a revised erosion and sedimentation control plan for approval addressing those items outlined on the enclosed form. Under the authority of NCGS 113A-54.1(a), this office has 15 days from the date of receipt to approve or disapprove your revised plan. However, if you wish to contest the disapproval of this plan, you must request an administrative hearing within 60 days of your receipt of this Letter of Disapproval. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714. A copy of the petition must be served on this Department as follows:

Office of General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Pending approval of a revised plan or a decision on an appeal, commencement of any land-disturbing activity associated with this project shall constitute a violation of the Sedimentation Pollution Control Act of 1973 (NCGS 113A-51 through 66).

Please feel free to contact me at your convenience if you have any questions or if we can provide any assistance in resolving this matter.

Sincerely,

Tamera Eplin, PE, CPESC
Regional Engineer
Land Quality Section

Enclosures: Reasons for Disapproval

cc: Danny Smith, DEMLR (danny.smith@ncdenr.gov)
Toby Vinson, PE, CPESC, DEMLR (toby.vinson@ncdenr.gov)
Matt Gantt, PE, DEMLR (matt.gantt@ncdenr.gov)
Cory Chalmers, Mountain Valley Pipeline, LLC (CChalmers@equitransmidstream.com)

WSRO file

REASONS FOR DISAPPROVAL

Project Name: Southgate Project
Project ID: ROCKI-2020-006
County: Rockingham
Reviewed by: Tamera Eplin, PE, CPESC

1. Provide copies of any wetland determinations or Water Quality Certifications (401/404) for this project from the Army Corps and/or Water Quality Regional Operations Section, as well as any local approvals for activity within the buffers. In lieu of the approval letters, verification of receipt by the regulating agency may be provided. Also include copies of your applications clearly identifying areas for both temporary and permanent impact correlated to areas on your ESC plan. All requested information must be received and approved prior to construction. Please submit all requested information at one time. [15A NCAC 4B .0106(1), Clean Water Act, Sections 401 and 404].

2. Please provide sequentially phased construction and provide very detailed sequencing such that the extent and duration of the land-disturbing activity is minimized. Refer to Sheet 10.002A, wherein you state any break in continuous trench length will constitute reset of the continuous trench footage. Length of open project includes all areas of haul road, access, and disturbance, including areas that may or may not include a trench breaker, and reference to reset due to a trench breaker does not apply. Provide a modified description of open area expected at any one time. It is your responsibility to demonstrate through design, phasing, construction sequence, and implementation of your ESC plan that the open area can be effectively managed to avoid sedimentation beyond the limits of disturbance. You should be able to inspect disturbed area within 24 hours of the 1-inch rain storm and perform necessary maintenance within one week. [15A NCAC 4B .0112, 15A NCAC 4B .0115]

3. Silt fencing below fill slopes should be installed a minimum of 10 feet off the proposed toe of the slope. This will allow room for sediment storage and maintenance access, as well as minimize the potential for damage to the silt fence during fill slope construction. [G.S. 113A-57(3)]

4. Refer to Sheet No. 10.002, Figure 2. The clean water diversions are directed across the active construction zone by a clean water pipe with unspecified pipe diameter. In order to adequately address cleanwater across the project, pipe diameters must take into account anticipated flow. Additionally, how will you prevent damage and allow for proper drainage to these pipes during active construction? Additional information and specification are necessary. [G.S. 113A-73(3)]

5. Refer to Sheet No. 10.002, Figure 3. Silt fence is shown at the LOD perimeter within wetlands. Is it necessary to disturb the entire width? Have alternate measures, such as

large diameter compost waddles been considered in lieu of silt fencing? [15A NCAC 4B .0106]

6. Refer to Sheet No. 10.002, Figure 5. An unknown quantity of cleanwater flow is expected to enter a sump area with silt fencing. This condition is likely to "blow out". Redesign is necessary. [G.S. 113A-57(3)]

7. The general construction sequence provides installation of the cleanwater diversion pipes after general clearing and grubbing. Please address. [15A NCAC 4B .0106(a)(5)]

8. Slopes of 57.7% or greater are referenced on Sheet 10.002. Drawing MVP-SG-ES56.11 on Sheet 10.004 references 3 compost waddles for slopes greater than 30%. Additional measures will be necessary to achieve non-erosive flow. [15A NCAC 4B .0106(a)(6)]

9. Describe under what conditions you will use disking vs. tracking. The use of RECPs will be necessary to anchor loose soil, dependent on slope. [15A NCAC 4B .0106(a)(5)]

10. Please specify a maximum height and slope for stock piles, with measures around the perimeter and requirements for stabilization for stockpiles left in place longer than 7 days. Stockpile areas should not be located within 15 feet of any wetland or buffer areas. [G.S. 113A-57(3)].

11. Refer to Sheet 10.011, Detail 12. Porous baffles may not be used or referenced as check dams. Please clarify. [G.S. 113A-57(3)]

12. Refer to Sheet 10.011, Detail 13. Minimum compost waddle diameter must be specified. [G.S. 113A-57(3)].

13. Refer to Sheet 10.012 Drawing MVP-SG-ES4.2. The temporary compacted soil berm shown will overwhelm the compost filter sock if the berm fails. Provide distance between the berm and compost filter sock. 10 feet is recommended. [G.S. 113A-57(3)].

14. Refer to Sheet 10.013 Drawing MVP-SG-ES42. The proposed sump volume is 18 cubic feet and the drainage area is not specified. Access for pumping the sumps and discharge of the pumped sediment-laden water is not addressed. If additional control is needed due to large drainage area, an additional compost filter sock is proposed. This does not meet NC design requirements. Redesign for specific areas of the project is necessary, with delineated drainage area. [G.S. 113A-57(3)]

15. Refer to Sheet 10.014 Drawing MVP-SG-ES62. The drawing references placement of the level spreader outside the limits of disturbance, which is not approvable. [15A NCAC 4B .0110]

16. Refer to Sheet 10.015. Recommended water bar spacing for slopes greater than 2:1 may be insufficient to avoid the need for RECPs. [G.S. 113A-57(3)]

17. Refer to Sheet 10.015 Drawing MVP-SG-17. Hay bales are not approvable for erosion and sediment control. [G.S. 113A-57(3)]

18. In order to better review your ESC plan, could you please show on the plans areas in which you will be benching? [15A NCAC 4B .0106(a)(1)]

19. In some areas you are showing temporary diversions leading to a stone outlet (i.e. Sheet 10.114) Be advised stone outlets are not a sediment treatment device. They are not intended to function as a measure in lieu of a sediment trap or basin, and offer no filtration value for retention of sediment. Their primary purpose is to prevent silt fence laydown for small retention areas. Retention should occur upgradient of these outlets, since the drainage area for suitable silt fence design is no greater than ¼ acre per 100 feet of silt fence. Silt fencing, sediment traps or basins must be designed in accordance with our North Carolina Erosion and Sediment Control Planning and Design Manual. [G.S. 113A-57(3)]

20. Sump pits are shown on steep slopes in some areas. How will they function on steep slopes? More detail is needed for the steep slopes and discharge out the sumps. Sump discharge may not accumulate at the base of slopes. [i.e. Sheet 10.115] [G.S. 113A-57(3)]

21. More detail is needed on the plans in the areas of stream and wetland crossings in order to facilitate ESC plan review. [G.S. 113A957(3)]

22. Reference Sheet 10.118, Station 1840+00. Is this in an area of fill? [General question].

23. Reference Sheet 10.120. Will steep slopes shown have benching? Additional measures will be necessary. [15A NCAC 4B .0115]

24. Reference Sheet 10.120 (Example). Silt fencing is shown across a timber mat. Please clarify. [G.S. 113A-57(3)]

25. Reference Sheet 10.121 Station 1900. An area labeled "No work activity in this area" is shown within the limits of disturbance. Please clarify. [15A NCAC 4B .0100]

26. It is recommended that you provide match lines for all sides possible to facilitate more rapid review. [General Comment]

27. Why are check dams shown on Sheet 10.206 and not elsewhere on the plans? [G.S. 113A-57(3)]

28. Provide a detail for check dams, with maintenance recommendations. [15A NCAC 4B .0113]

29. Please clarify existing vs. new haul road construction. Please also label these roads as temporary vs. permanent roads. These areas must be included within the limits of disturbance and the ESC plan must include approvable erosion and sediment control for these areas. Grading and associated cut/fill/stockpiles have not been included. Culverts for cleanwater flow through these areas must be considered with cleanwater ditchlines. Inlet/outlet protection of culverts may be applicable. Stabilization of the roads must be provided. Include all design calculations. Easements of these areas must be obtained prior to construction and prior notice must be given to all landowners. Please confirm that all limits of disturbance for construction related to the haul roads will remain within the easements and limits of disturbance. [G.S. 113A-57(3), [G.S. 113A-54.1(a1)], 15A NCAC 4B .0106(a)(4)]

30. Reference Sheet 10.207, Station 15+00. Additional measures are necessary. [15A NCAC 4B .0115]

31. Please reference a preconstruction conference prior to land disturbing activity within your construction sequence. [15A NCAC 4B .0106(b)]

32. In August 2019, Annette Lucas, PE, DEMLR Stormwater Program Supervisor, discussed with representatives of Mountain Valley Pipeline, LLC the potential post-construction stormwater issues for the project (high density, low density or utility line general permits may apply dependent on layout of the site). Long-term ownership of the access roads, and possible need to transfer the stormwater permit in the future for roads that are likely to become permanent was also discussed. Please provide the status of any post-construction stormwater permits and/or applications as they relate to your project.

A revised plan (2 complete sets) should be submitted to us with the above items changed. Please include with your revised plan a letter that includes a brief discussion of each item listed above. Please reference Project Number ROCKI-2020-006 in your cover letter. You are encouraged to contact me with any questions regarding this review. Due to the quantity and complexity of revisions necessary, additional revisions may be required upon resubmittal.